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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,137

09/22/2003

Anil K. Kumar

42P17120

2012

8791 7590 10/30/2007  
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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/668,137

Applicant(s)

KUMAR, ANIL K.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 1-27** are rejected under 35 U.S.C. 102(b) as being anticipated by Zuk (US 4,882,749).

Regarding **claim(s) 1, 8, 15 and 22**, Zuk discloses a method (column 1, lines 4-7) comprising:

in response, at least in part, to receipt at a first node of a request issued from a second node to change from one mode of operation to another mode of operation (column 2, lines 27-33):

selecting an amplitude of a signal to be propagated between the first node and the second node during the another mode of operation, the amplitude of the signal being different from another amplitude of the signal during the one mode of operation (column 2, lines 34-53); and

selecting a frequency of a clock signal to be supplied in the first node during the another mode of operation, the frequency being different from another frequency of the clock signal during the one mode of operation (column 2, lines 34-53).

Regarding **claim(s) 2, 9, 16 and 23**, Zuk discloses a method, wherein: the selecting of the amplitude of the signal to be propagated between the first node and second node during the another mode of operation and the selecting of the frequency of the clock signal to be supplied during the another mode of operation are carried out, at least in part, at the first node (column 2, lines 34-53).

Regarding **claim(s) 3, 10, 17 and 24**, Zuk discloses a method, wherein: the amplitude of the signal to be propagated between the first node and the second node during the another mode of operation is less than the another amplitude (column 2, lines 54-68);

the frequency of the clock signal to be supplied during the another mode of operation is less than the another frequency of the clock signal during the one mode of operation (column 2, lines 54-68);

the first node comprises circuitry (column 2, lines 54-68); and

the clock signal is supplied to the circuitry during the one mode of operation and the another mode of operation (column 2, lines 54-68).

Regarding **claim(s) 4, 11, 18 and 25**, Zuk discloses a method, wherein: the first node comprises digital subscriber line modem circuitry that is capable of being coupled to the second node via a subscriber line (column 3, lines 1-13); and

the signal that is to be propagated during the another mode of operation is to be propagated via the subscriber line (column 3, lines 1-13).

Regarding **claim(s) 5, 12, 19 and 26**, Zuk discloses a method, wherein: a central office comprises the second node (column 3, lines 1-13); and  
customer premises equipment comprises the modem circuitry (column 3, lines 1-13).

Regarding **claim(s) 6, 13, 20 and 27**, Zuk discloses a method, wherein: prior to the receipt of the request, the clock signal is supplied to the modem circuitry (column 3, lines 1-13); and

the method further comprises, after the receipt of the request, preventing the clock signal from being supplied to the modem circuitry (column 3, lines 1-13).

Regarding **claim(s) 7, 14 and 21**, Zuk discloses a method, further comprising:  
after the selecting of the frequency of the clock signal to be supplied during the another mode of operation, permitting the clock signal to be supplied to the modem circuitry (column 3, lines 1-13).

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
Art Unit 2614

/GG/  
October 24, 2007